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REMARKS

Claims 1 to 9, 11 to 24 and 29 to 45 are in the case.

In the Office Action, the Examiner has rejected Claims 1, 2, 11, 14, 21, 29, 30, 37 and 39 under 35 U.S.C. 102(b) as allegedly being anticipated by the teachings of US Patent 4,180,070 to Genese. This rejection is respectfully traversed for the reasons set forth hereinbelow.

The rejection of the above claims is essentially the same rejection as made in the previous Office Action. In response thereto, the Examiner has argued, on page 2 of the Office Action, the housing is considered to be any part of the outer structure of the device. The Examiner has also stated that he interprets the term "engaging the neck" of a vial to mean that the side walls of the vial are held by the vial socket. Initially, this is not understood as the side walls of a vial and the neck are quite distinct from each other and any person knowledgeable in art would differentiate between the two. Furthermore, even given the interpretation taken by the Examiner, Genese does not teach that the side walls 18 of the vial are engaged by a vial socket as defined by walls 11 and 17. Figures 1 to 3 clearly show this not to be the case and in addition, Genese, in Column 2, lines 56 et seq clearly does not teach the arrangement as proposed by the Examiner.

In reviewing the Examiner's rejection, it appears that there would be some confusion as to the equivalency of components between what is shown in Genese and what Applicant is claiming. Although the overall goal for the functioning of the two devices may be similar, there is a completely different structure as will be described herein.

Claim 1 defines a housing having first and second open ends with a bore extending (through the housing) between the first and second open ends. The equivalent structure in

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Genese would inherently have to be cannula member 23 and which is mounted within hub 25. However, cannula 23 is not slidable within hub 25 as called for in Claim 1.

Claim 1, as previously mentioned, also calls for a vial socket assembly having a vial socket for receiving and engaging a neck portion of the vial. Again, in this instance, the vial is that container designated by reference numeral 42. Clearly, the vial socket adaptor does not engage the neck of the vial.

As was previously pointed out, Claim 1 also calls for transferring a fluid from the vessel having a body with a neck at one end thereof and the other end being open, a slidable piston positioned within the body through the open end. This is completely different from the arrangement of Genese which shows a container 12 which does not have a neck at one end thereof with the other end being open.

Based on the above, it is respectfully submitted that Claim 1 clearly defines a different arrangement than that taught by Genese and accordingly, the rejection under 35 U.S.C. 102(b) should be withdrawn.

Claim 29 also stands rejected under 35 U.S.C. 102(b) as being anticipated by Genese. Reconsideration of this rejection is respectfully requested based on the following comments.

All the limitations of Claim 1 are present in Claim 29 with the arrangement being defined as a syringe having a syringe body with a fluid therein. A second end has a neck with a needle mount for removably mounting a needle thereon.

Genese cannot begin to respond to this claim for the reasons set forth above and also in that Genese does not disclose a syringe having a fluid therein with a first end of the syringe being open and a second end having a neck with a needle mount for removably

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mounting a needle thereon.

As Applicant pointed out in the previous amendment, the arrangement of Genese wherein the same needle is used for piercing the vial as for injection is totally unacceptable in the clinical setting. The arrangement is unsanitary and is not the same as Applicant's wherein a sterile needle can be attached on the needle mount of the syringe.

Not only does the present invention provide for a more sanitary arrangement, it is substantially less complex as will be seen from a cursory review of the drawings.

The rejection of Claims 1 to 4, 9, 11 to 13, 21, 29 to 32, 37 and 38 under 35 U.S.C. 103(a) as allegedly being unpatentable over Haber et al in view of Genese is respectfully traversed.

The Examiner stated that with respect to Claims 1 and 29, Haber discloses an assembly for transferring fluid between a vessel and a vial comprising a housing having first and second ends and a bore (22, 90) extending therethrough. The Examiner also states that there is a slidable piston (between spaces 90 and 104 in Figure 3) removably connected to the housing. It is further noted that there is conduit (110, 53) which is longitudinally slidable within the bore. In Claim 1, Applicant calls for a vessel having a body with a neck at one end thereof and the other end being open and a slidable piston positioned within the body through the open end. Haber et al does not teach any of the above.

Claim 1 also calls for a conduit which is longitudinally slidable within the bore. Haber et al does not disclose such an arrangement. Claim 1 also calls for a housing which is removably connected to the piston. As Haber et al does not disclose any piston, it is evident that the housing cannot be connected thereto.

The secondary reference of Genese does not make up for the deficiencies of

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Haber et al for the reasons outlined regarding the differences between Claim 1 and Genese.

Thus, the conduit is not slidably mounted in a housing as discussed above.

The dependent claims are believed to be allowable for the reasons advanced regarding the allowability of Claims 1 and 29.

In view of the above, it is respectfully submitted that the claims presently on file clearly and patentably define over the prior art and accordingly, the application is believed to be in order for allowance and such action is respectfully solicited.

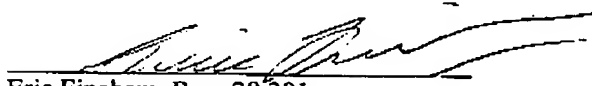
Respectfully,



Eric Fincham

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the Commissioner for Patents, Alexandria, VA 22313-1450 at Fax No. (571) 273-8300 on the date set forth below.


Eric Fincham, Reg. 28,201

Date

